

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

CONNECTICUT GENERAL LIFE  
INSURANCE COMPANY, et al. :  
v. : Civil Action No. DKC 14-2376  
ADVANCED SURGERY CENTER OF  
BETHESDA, LLC, et al. :

**ORDER**

For the reasons stated in the foregoing Memorandum Opinion, it is this 15<sup>th</sup> day of July, 2015, by the United States District Court for the District of Maryland, ORDERED that:

1. The motion to dismiss filed by Defendants, twenty ambulatory surgical centers located in Maryland ("the ASCs"), and Surgical Center Development, Inc. d/b/a SurgCenter Development (ECF No. 41) BE, and the same hereby IS, GRANTED in part and DENIED in part;

2. Plaintiffs Connecticut General Life Insurance Company and Cigna Health and Life Insurance Company (the "Cigna entities") claim for restitution of overpayments under ERISA § 502(a)(3)(B) and claim under RICO, BE, and the same hereby ARE, DISMISSED;

3. The motion to dismiss the ASCs' counterclaims filed by the Cigna entities (ECF No. 43) BE, and the same hereby IS, GRANTED in part and DENIED in part;

4. The ASCs' counterclaims for breach of fiduciary duty under ERISA § 502(a)(3) (count II) and for unjust enrichment (count V) BE, and the same hereby ARE, DISMISSED; and

5. The clerk is directed to transmit copies of this memorandum opinion and order to counsel for the parties.

/s/

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DEBORAH K. CHASANOW  
United States District Judge